



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/442,187 11/16/99 ROYSDEN

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BRUNN W ROYSDEN JR
SUITE 116K
4250 E CAMELBACK
PHOENIX AZ 85018

MM91/0117

EXAMINER

CONE, D

ART UNIT

PAPER NUMBER

2854

DATE MAILED:

01/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/442,187

Applicant
Roysden, Jr.

Examiner
Darius Cone

Group Art Unit
2854

☒ Responsive to communication(s) filed on Aug 2, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-9 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-9 is/are rejected.
- ☒ Claim(s) 7-9 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Objections

1. Claims 7-9 objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 7-9 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roysden, Jr (US patent #5,575,576).

With respect to claims 1-9, the previous Office Action mailed 3-2-00 is incorporated by reference herein.

With respect to claims 1,2 & 6, Roysden Jr. teaches a keyboard section structure (Fig. 4) including a plurality of keys (Fig. 3). Roysden Jr. also teaches of a key cap (20) working in conduction with a switch means (28) these keys being included in a Bounding Key Set (see, col. 17, lines 5-13). Roysden, Jr. teaches of the spaces or sections included between the keys and the spaces which are defined in the bounded key set, which include a section key space, a bounding

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section key space, a section capless key space and a bounding key set capless space (see col. 15, lines 7-22, col. 17, lines 30-61). The undepressed key space and section undepressed key capless key space would be an obvious choice of design, due to the fact that any key the is not activated in its area or space would be considered undepressed, allowing for there to be space or lack thereof for any material or other components other than keyboard comments to operate.

With respect to claims 3, 4 & 5, it would be an obvious choice of design to include "interleaved" components or other circuitry with a designated undepressed key space (see Roysden, Jr. col. 13, lines 1-18).

Conclusion

Response to Arguments

4. Applicant's arguments filed 8-2-00 have been fully considered but they are not persuasive. Applicant argues that the patent to Roysden, Jr. does not teach the interleaving of components, nor the placement or structure of these components relative to the invention. Applicant also states the Examiner has based his rejection on hindsight. Clearly Roysden, Jr. teaches all the structure of the claimed invention, stating in col. 10, lines 17-21 that it is possible to incorporate two or more of the components of a keyboard into one unit. Examiner believes that it is obvious to include any type of component, whether plastic or electric in areas of the structure designated by the inventor. The selection of a known component would involve an obvious selection of circuitry known to be used in a comparable apparatus based on its known properties. In the case of the applicant's

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invention a circuit board or other circuitry receiving air through vents or spaces in the structure to allow for cooling would be an obvious choice of design based on experimentation.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Darius Cone whose telephone number is (703) 308-1061. The examiner can normally be reached daily between the hours of 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached on (703) 308-0719. The fax phone number for this Group is (703) 308-5841.

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Any inquire of a general nature or relating to the status of the application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DNC

January 11, 2001



JOHN S. HILTEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800